

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM MONTAGUE,

Plaintiff,

Case No. 04-CV-73791

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AND
DISMISSING CASE**

This is a social security case. Plaintiff William Montague (Montague) appeals from the final determination of the Commissioner of Social Security (Commissioner) that he is not disabled and therefore not entitled to disability insurance benefits. The matter was referred to a magistrate judge for all pretrial proceedings. Montague and the Commissioner filed cross motions for summary judgment. The magistrate judge issued a report and recommendation (MJRR) recommending that the Commissioner's motion be granted and that Montague's motion be denied and the case dismissed.

Neither party has filed objections to the MJRR. Accordingly, the findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the

Court. The Commissioner's motion for summary judgment is GRANTED. Montague's motion for summary judgment is DENIED. This case is DISMISSED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 22, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 22, 2005, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
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